

IN THE UNITED STATES DISTRICT  
COURT EASTERN DISTRICT OF  
WISCONSIN

The ESTATE OF SYLVILLE K. SMITH, by	)	
Personal Representative Mildred Haynes,	)	No. 17-cv-862
Patrick Smith, and Mildred Haynes, on her	)	
own behalf,	)	
	)	
Plaintiffs,	)	JURY TRIAL DEMANDED
	)	
v.	)	
	)	
CITY OF MILWAUKEE, WISCONSIN	)	
and DOMINIQUE HEAGGAN-BROWN,	)	
	)	
Defendants.	)	

## **EXHIBIT 36**

Dwayne Pratchet Deposition Transcript

David B. Owens  
Danielle Hamilton  
LOEVY & LOEVY  
311 N. Aberdeen St, Third FL  
Chicago, IL 60607  
(312) 243-5900

Estate of Sylville Smith, et al. v. City of Milwaukee, et al.

2:17CV862LA

Transcript of the Video Deposition of:

**Dwayne Pratchet**

December 19, 2017



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1 IN THE UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF WISCONSIN

3 -----  
4 The ESTATE of SYLVILLE K. SMITH,  
5 by Personal Representative  
6 Mildred Haynes, Patrick Smith,  
7 and Mildred Haynes, on her own behalf,

8 Plaintiffs,

9 vs.

Case No. 2:17 cv 862-LA

10 CITY OF MILWAUKEE, WISCONSIN  
11 and DOMINIQUE HEAGGAN-BROWN,

12 Defendants.  
13 -----

14 Videotape Deposition of DWAYNE PRATCHET

15 Tuesday, December 19th, 2017

16 9:32 a.m.

17 at

18 GRAMANN REPORTING, LTD.  
19 740 North Plankinton Avenue  
20 Milwaukee, Wisconsin

21 Reported by Tammy R. O'Neal, RPR  
22  
23  
24  
25

Videotape Deposition of DWAYNE PRATCHET, a witness in the above-entitled action, taken at the instance of the Plaintiffs, pursuant to the Federal Rules of Civil Procedure, pursuant to Subpoena, before Tammy R. O'Neal, RPR and Notary Public, State of Wisconsin, at Gramann Reporting. Ltd., 740 North Plankinton Avenue, Milwaukee, Wisconsin, on the 19th day of December, 2017, commencing at 9:32 a.m. and concluding at 11:58 a.m.

A P P E A R A N C E S:

LOEVY & LOEVY, by  
Mr. David B. Owens and  
Ms. Danielle Hamilton  
311 North Aberdeen Street, 3rd Floor  
Chicago, Illinois 60607  
Appeared on behalf of Plaintiffs.

MILWAUKEE CITY ATTORNEY'S OFFICE, by  
Ms. Naomi E. Gehling  
841 North Broadway, 7th Floor  
Milwaukee, Wisconsin 53202-3515  
Appeared on behalf of Defendants.

Also Present: Desmond Rodriguez, CLVS, Videographer

I N D E X

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E X H I B I T S

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(Original exhibits retained by court reporter, then returned to Mr. Owens. Copies available to attorneys who ordered them)

## 1 TRANSCRIPT OF PROCEEDINGS

2 THE VIDEOGRAPHER: We are on the record at  
3 9:32 a.m. on Tuesday, December 19, 2017. This is  
4 volume number one, DVD one of the video deposition of  
5 Sergeant Pratchet taken by the Plaintiff in the  
6 matter of the Estate of Sylville Smith, et al. versus  
7 the City of Milwaukee, et al. filed in the U.S.  
8 District Court, Case No. 2:17 cv 862-LA. This  
9 deposition is being held at Gramann Reporting located  
10 at 740 North Plankinton Avenue, Suite 400, in  
11 Milwaukee, Wisconsin 53203. My name is Desmond  
12 Rodriguez from the firm Gramann Reporting, and I am  
13 the videographer. The court reporter is Tammy O'Neal  
14 of Gramann Reporting.

15 Counsel will now state their appearance and  
16 affiliation for the record starting with the  
17 Plaintiff, and the court reporter will swear in the  
18 witness.

19 MR. OWENS: This is David B. Owens on  
20 behalf of the Plaintiffs.

21 MS. HAMILTON: Danielle Hamilton on behalf  
22 of the Plaintiffs.

23 MS. GEHLING: Naomi Gehling on behalf of  
24 all defendants.

25 DWAYNE PRATCHET, called as a witness

1       herein, having been first duly sworn on oath, was examined  
2       and testified as follows:

3                               EXAMINATION

4       BY MR. OWENS:

5       Q     Sir, could you please state and spell your name for  
6             the record.

7       A     Dwayne, D-W-A-Y-N-E, Pratchet, P-R-A-T-C-H-E-T.

8       Q     And where are you employed?

9       A     Milwaukee Police Department.

10      Q     What's your rank in the Milwaukee Police Department?

11      A     Sergeant.

12      Q     How long have you been a sergeant for the --

13      A     That's --

14      Q     Excuse me. Sergeant. So one thing, let's get this  
15             out there first, is that I'm going to be asking you a  
16             series of questions today under oath --

17      A     Okay.

18      Q     -- as if you were in court. You understand that?

19      A     Yes.

20      Q     And you understand the oath you just took is the same  
21             oath that you would give as if you were in court?

22      A     Yes, I do.

23      Q     Under penalty of perjury?

24      A     Yes.

25      Q     But since we're not in court today, there's no judge

1 A No.

2 Q Did you review any other testimony?

3 A No.

4 Q You testified in the criminal prosecution of  
5 Mr. Heaggan-Brown, correct?

6 A Yes.

7 Q Very briefly, right?

8 A Yes.

9 Q Did you review that testimony?

10 A Just my portion of it.

11 Q When did you review that?

12 A This morning.

13 Q Did that appear to be true and accurate?

14 A Yes.

15 Q Did you testify truthfully at Mr. Heaggan-Brown's  
16 criminal trial?

17 A Yes.

18 Q Did you look at any other documents this morning?

19 A I believe it was the subpoena that you sent me and an  
20 incident report that I submitted.

21 Q Okay. And was that incident report containing the  
22 public safety statement of Officer Heaggan-Brown?

23 A Yes.

24 Q Now, what's a public safety statement?

25 A Public safety statement is a statement that the

1 member offers after a critical incident. The gist of  
2 it is so that we can get an understanding are there  
3 any more other suspects out there, any more witnesses  
4 we should be looking for, where is the evidence, so  
5 it's just kind of a brief statement that the officer  
6 gives a supervisor.

7 Q Okay. Outside of your trial testimony and the  
8 supplemental report containing the public safety  
9 statement, did you review any other documents?

10 A No.

11 Q Did you have any conversations with anyone outside of  
12 your attorney about this deposition?

13 A No.

14 Q Have you had any conversations with Officer  
15 Heaggan-Brown --

16 A No. Oh, I'm sorry.

17 Q I kind of paused. That was fair. So have you had  
18 any conversations with Officer Heaggan-Brown about  
19 this lawsuit?

20 A No.

21 Q Did you have any conversations with him about the  
22 incident involving the shooting of Sylville Smith  
23 outside of the day that the shooting happened?

24 A No.

25 Q Did you talk to him the next day?